UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,766	04/30/2001	Jacob McGuire	033048-064	9191

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/843,766	MCGUIRE, JACOB
	Examiner	**Art Unit**	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set.or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected.to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1>   This action is in response to Applicant's remarks, filed 5.31.2006. Claims 1-14 are

presented for further examination.

2>   This is a final rejection.

Response to Arguments

I.   <u>Response to Applicant's remarks</u>

     Applicant argues in substance that: (A) Sciacca's policies are not analogous to the

claimed templates; (B) Sciacca does not disclose substituting variables with network

addresses in Sciacca's policies; and (C) Sciacca does not disclose an interface issuing said

commands in a format generic to a plurality of different types of devices and converting said

generic commands into device-specific commands. Applicant's arguments have been fully

considered but they are not persuasive for the following reasons.

     A.   <u>Sciacca's policies function in the same manner as the claimed templates</u>

     Claim 1 cites a template which contains a sequence of commands for configuring a

plurality of devices, wherein each command contains a variable as the identification of the

device. Applicant argues that Sciacca's policies merely comprise rules that build the specific

configuration for a device and are not analogous to the claimed template. Applicant argues

that the term "template" as used in the claims is defined as "a predesigned document that

contains formatting, and in many cases, generic text". Contrary to Applicants arguments,

Sciacca's policies plainly have the limitations of the template as claimed in Applicant's

claims and read upon the commonly understood meaning of "template".

For example, Sciacca discloses an example policy: "foreach SERIAL_ADDR interface

Serial SERIAL_ID ip address SERIAL_ADDR SERIAL_MASK" [column 6 «lines 50-55»].

Each of these lines of the policy represent a command with a variable that identifies the

device. Sciacca's policies are clearly a template for generating device specific configurations

[column 8 «lines 47-60»].

Further, Sciacca's policies also fall within the definition set forth by Applicant in the

remarks. Sciacca's policies are in fact a predesigned document that contains formatting

[column 7 «lines 6-14 and 34-44» | column 8 «lines 20-27»].

B.   Sciacca discloses substituting variables in the policies with network addresses

Applicant argues that Sciacca does not disclose substituting network addresses

retrieved from a database for variables in the policy. However, Sciacca expressly discloses:

"the generator may...perform simple transformations on data from the device
configuration database 310. For example, the variable SERIAL_NET_ADDR in a device
configuration policy statement may refer to the class-full IP network that contains the value
for the address of the serial interface (e.g., a serial interface with the address 4.1.2.3 belongs to
the class-full IP network 4.0.0.0)" [column 9 «lines 11-17»].

Based on this section, it would have been obvious to one of ordinary skill in the art

that a network address, such as an IP address, is substituted in the policy in place of the

variable SERIAL_NET_ADDR. Furthermore, Sciacca discloses:

"To build a device-specific configuration, the device configuration generator 330 reads
data from the device configuration database 310, constructs object inheritance and
containment relationships among the data, prepares data referenced by variables in the
policies database 320, and compiles the device configuration policies based on the prepared
data to produce a deployable device-specific configuration" [column 8 «lines 61-67»].

Finally, Sciacca discloses:

"In addition, the policies database 320 may accept mnemonic names to represent device configuration database 310 values, instead of literal values, in policy statements. For example, the names SERIAL_ADDR and SERIAL_MASK might be used to refer to the values 199.94.220.82 and 255.255.255.252, respectively, in the policy statement" [column 6 «lines 34-39»].

Based on the totality of these citations from Sciacca, the policy serves as a template for creating a device-specific configuration. The device-specific configuration is generated by replacing the variables within a policy, with device specific values, such as a device's network address [column 8 «lines 47-60»].

C.   <u>Sciacca discloses an interface issuing said commands in a format generic to a plurality of different types of devices and converting said generic commands into device-specific commands</u>

Applicant argues that Sciacca does not disclose an interface and a library. However, Sciacca's policies contain commands that are in a format generic to a plurality of different types of devices [column 6 «lines 50-55»]. The policies contain variables that are generic because the variables may be replaced by device specific values [column 6 «lines 34-40»]. Thus, the policies may be utilized for different types of devices [column 1 «lines 34-38»]. Sciacca did not expressly disclose an interface that issued these policies but did disclose that an engineer may create the policies [column 4 «lines 16-20»]. It would have been obvious to one of ordinary skill in the art that Sciacca would utilize an interface to help the engineer or novices to issue the policies.

Further, Sciacca's generator is analogous to the claimed library because the generator takes the policies and "converts" them by replacing the variables with the device specific

values to create device-specific commands that are applied to particular network devices

[column 8 «line 61» to column 9 «line 31»].

II.   Conclusion

Based on the foregoing reasons, Applicant's arguments are not persuasive. The claim

rejections set forth in the previous action, filed 1.31.2006, are maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application by
> another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before
> the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of

1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments

Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly

from an international application filed before November 29, 2000. Therefore, the prior art

date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the

AIPA (pre-AIPA 35 U.S.C. 102(e)).

3>   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

4>   Claims 1-4 and 8-11 are rejected under 35 U.S.C § 102(e) as being anticipated by

Sciacca, U.S Patent No. 6.760.761.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

5>   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action.

6>   Claims 5, 6, 12 and 13 is rejected under 35 U.S.C § 103(a) as being unpatentable over

Sciacca.

7>   Claims 7 and 14 are rejected under 35 U.S.C 103(a) as being unpatentable over Sciacca,

in further view of McNeely et al, U.S Patent Application Publication US 2002/0162059 A1

["McNeely"].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

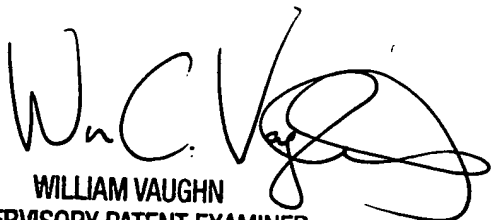The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA

OR CANADA) or 571-272-1000.

DC

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100